

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner recently received a raise which she reported to the Department. Her new monthly income is \$1283.03. The Department recalculated her eligibility based on the new income. She received a \$90.00 monthly deduction for employment expenses but was determined to be ineligible for any other deductions. The net amount, \$1,193.03, was

compared with the maximum for one person which the Department has set at \$1,044 monthly. As the petitioner exceeded that amount by \$149.03, she was notified by a letter dated August 1, 2000 that she could no longer receive benefits after August 31, 2000.

3. The petitioner appealed that decision because her medical expenses exceed the amount of her ability to pay. Her supplies and medications cost her about \$400 per month and her visits to physicians average about \$250 per month. Her primary care physician confirmed that she has high expenses because she uses a high-technology insulin pump which requires close supervision by endocrinology specialists. He added that the petitioner "has worked very hard at keeping herself healthy and any loss of insurance would seriously jeopardize her well-being."

ORDER

The decision of the Department terminating benefits is affirmed.

REASONS

The VHAP program counts all earned income of a recipient in determining eligibility. W.A.M. 4001.81. Deductions from

income are allowed for business expenses (for the self-employed only), a standard employment expense of \$90 per month, and dependent care expenses. W.A.M. 4001.81 (c , (d), (e) and (f). There is no deduction in the VHAP program for medical expenses. The only deduction applicable to the petitioner is the standard employment expense. That deduction was used by the Department to obtain a correct countable income of \$1,193 per month.

The regulations provide that only persons whose incomes fall below the applicable income tests can be found eligible for the program. W.A.M. 4001.84. The applicable test for a one person household in the VHAP program is \$1,044 per month. P-2420B. Since the petitioner's countable income is in excess of that amount, she cannot be eligible for the program. As the Department's decision terminating the petitioner's benefits is in accord with its regulation, the Board is constrained to affirm the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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